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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------------|------------------|
| 10/648,125 | 08/25/2003 | Steve Grove | 2043.102US1 | 3210 |
| 49845 | 7590 | 08/25/2005 | | |
| SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. EBAY P.O. BOX 2938 MINNEAPOLIS, MN 55402-0938 | | | EXAMINER TRUONG, CAM Y T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2162 | |

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,125

Applicant(s)

GROVE ET AL.

Examiner

Cam Y T. Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant has amended claims 1, 2, 13, 14, 23, 24, 34 and added claims 35 and 36 in the amendment filed on 7/22/2005.

Applicant's arguments with respect to claims 1-11 and 13-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 4, 7-9, 13, 15, 16, 19-21, 23, 25, 26, 29-31 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barts et al (or hereinafter "Barts") (US 2002/0082893) in view of Ojha et al (or hereinafter "Ojha") (US 6598026).

As to claim 1, Barts teaches the claimed limitations:

"receiving listing identification data from a user" as receiving VIN from user's input (fig. 25, page29, lines 22-50);

"retrieving listing data associated with the listing based on the listing identification data" as retrieving a list of vehicles based on the listing identification (fig. 26, page 30, lines 1-30);

"generating a proposed listing at least partially based on the listing data" as displaying a web page based on the search results as listing data. To display this

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search results, the system has to generate a proposed listing of retrieved vehicles firstly (fig. 26, page 30, lines 1-30);

“resulting in the listing” as retrieved a list of vehicles is represented as resulting in the listing (fig. 26);

“posting the listing in a database of the network-based commerce system” as displaying a list of vehicles based on the listing identification on a web page indicates posting or placing the list of retrieved vehicles in a web page of the network system (figs. 26& 37, page 30, lines 1-30, page 2, paragraph [0036];

“wherein the listing, once posted, represents an offering of a good or service” as one the listing is place or posted in a web page, a user can select location to see all status events for the vehicle. The location is represented as an offering of a service (figs. 32-33).

Barts does not explicitly teach the claimed limitation “allowing the user to modify the proposed listing”. Ojha teaches the buyer has the option of sorting his search results using according to how good the individual deals are. To sort his search results indicates to modify his search result (col. 14, lines 60-65, fig. 11).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Ojha’s teaching of the buyer has the option of sorting his search results using according to how good the individual deals are in order to allow a user to customize result listing for giving a result listing a meaningful, to provide a better result listing for the products to be predicted or a result listing corresponding user’s desire and further save time for a user searching/retrieving data.

As to claims 3, 15 and 25, Barts teaches the claimed limitation “wherein the network-based commerce includes a database of listing data associated with at least one of movies, music, games, books and motor vehicles” as (fig. 27, page 30, lines 1-20).

As to claims 4, 16 and 26, Barts teaches the claimed limitation “which includes: generating a user interface with a plurality of fields; and populating the fields with the listing data” as (figs. 27-28).

As to claims 7, 19 and 29, Barts teaches the claimed limitation “wherein the listing data includes at least one of a title of the listing, a description of the listing, and an image related to the listing” as (fig. 27).

As to claims 8, 20 and 30, Barts does not explicitly teach the claimed limitations: “searching a database of reference listing data to locate at least one similar listing; presenting the at least one similar listing to the user; monitoring user selection of a similar listing; retrieving listing data associated with the similar listing to generate the listing”. Ojha teaches searching similar products and presenting similar product listing to a user and monitoring user’s selection similar product listing and saving similar

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products to generate the user's currently selected shopping list (col. 9, lines 55-67; col. 14, lines 20-40, fig. 5).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Ojha's teaching of teaches searching similar products and presenting similar product listing to a user and monitoring user's selection similar product listing and saving similar products to generate the user's currently selected shopping list to Barts's system in order to allow a user to select good that he/she believes is the most similar to the product for which market information is desired.

As to claims 9, 21 and 31, Barts teaches claimed limitation "wherein the listing identification data is a Vehicle Identification Number (VIN), the method including retrieving listing data including one of a model year of the vehicle, a manufacturer of the vehicle, a number of doors of the vehicle, and an engine capacity of the vehicle" as (fig. 33).

As to claims 13 and 23, Barts teaches the claimed limitations:

"receive listing identification data from a user requesting posting of a listing on a network-based commerce system" as (fig. 26, page 29, lines 22-50);

"retrieve listing data based on the listing identification data" as (fig. 26, page 30, lines 1-30);

"generate a proposed listing at least partially based on the listing data" as (fig. 26, page 30, lines 1-30);

“resulting in the listing” as retrieved a list of vehicles is represented as resulting in the listing (fig. 26);

“posting the listing in a database of the network-based commerce system” as displaying a list of vehicles based on the listing identification on a web page indicates posting or placing the list of retrieved vehicles in a web page of the network system (figs. 26& 37, page 30, lines 1-30, page 2, paragraph [0036];

“wherein the listing, once posted, represents an offering of a good or service” as one the listing is place or posted in a web page, a user can select location to see all status events for the vehicle. The location is represented as an offering of a service (figs. 32-33).

Barts does not explicitly teach the claimed limitation “allowing the user to modify the proposed listing”. Ojha teaches the buyer has the option of sorting his search results using according to how good the individual deals are. To sort his search results indicates to modify his search result (col. 14, lines 60-65, fig. 11).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Ojha’s teaching of the buyer has the option of sorting his search results using according to how good the individual deals are in order to allow a user to customize result listing for giving a result listing a meaningful, to provide a better result listing for the products to be predicted or a result listing corresponding user’s desire and further save time for a user searching/retrieving data.

As to claim 35, Barts does not explicitly teach the claimed limitation "the offering includes an auction listing". Ojha teaches an auction listing (fig. 11).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Ojha's teaching of an auction listing to Barts's system to allow users to buy product directly on Internet system without go to a specific store.

4. Claims 2, 14, 24 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barts in view Ojha and further in view of Bezos et al (or hereinafter "Bezos") (US 6029141).

As to claims 2, 14 and 24, Barts and Ojha disclose not explicitly teach the claimed limitation "which includes allowing the user to accept the listing data prior to posting the listing". Bezos teaches displaying a search result on a web page, if a user accepts this search result, the user will add it to his/her shopping cart or place it his/her shopping cart by clicking on icon 1002 (fig. 10b).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Bezos's teaching of displaying a search result on a web page, if a user accepts this search result, the user will add it to his/her shopping cart or place it his/her shopping cart by clicking on icon 1002 to Barts's system and Ojha's system in order to buy or view a right good based on user's desire.

As to claim 36, Barts and Ojha does not explicitly disclose the claimed limitation “the offering includes a fixed-price offering”. Bezos teaches a fixed-price offering for good is provided to a user (fig. 10b).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Bezos’ s teaching of teaches a fixed-price offering for good is provided to a user to Barts’s system and Ojha’s system in order to prevent a user to negotiate price for a product.

5. Claims 5, 6, 17-18 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barts in view Ojha and further in view of Erdelyi (US 6631522).

As to claims 5 and 27, Barts and Ojha does not explicitly disclose the claimed limitation, “which includes providing a plurality of check boxes each of which are associated with an attribute of the listing and automatically without human intervention checking attributes based on the listing data”. Erdelyi teaches that after a user selects the name of a player in the scrollable list to display that player’s information in the player Information box. The system automatically displays a plurality of check boxes to a user (fig. 4C).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Erdelyi’s teaching of after a user selects the name of a player in the scrollable list to display that player’s information in the player Information

box to Barts's system and Ojha's system in order to save time for a user to fill out detail information about a item.

As to claims 6, 18 and 28, Barts does not explicitly teach the claimed limitation "which includes allowing the user to modify checks in the check boxes". Erdelyi teaches a user can modify a check box that associated with an attribute (fig. 5).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Erdelyi's teaching of a user can modify a check box that associated with a attribute to Barts's system in order to allow a user to view a item in different feature.

As to claim 17, Barts does not explicitly teach the claimed limitation "which includes providing a plurality of check boxes each of which are associated with an attribute of the listing and automatically checking attributes based on the listing data without human intervention". Erdelyi teaches that after a user selects the name of a player in the scrollable list to display that player's information in the player Information box. The system automatically displays a plurality of check boxes to a user (fig. 4C).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Erdelyi's teaching of after a user selects the name of a player in the scrollable list to display that player's information in the player Information box to Barts's system in order to save time for a user to fill out detail information about a item.

6. Claims 10-12, 22 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barts in view of Ojha and further in view of Ortega et al (or hereinafter "Ortega") (US 6410084).

As to claims 10, 22 and 32, Barts discloses the claimed limitation subject matter in claims 1, 13 and 23, except the claimed limitation "wherein the listing identification data is one of a movie title and UPC code, the method including retrieving listing data in the form of details on the movie". Ortega teaches retrieving a movie based on movie title (col. 3, lines 60-65).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Ortega's teaching of allow a user to search item based on book titles and music titles to Bart's system to allow a user to search/retrieve a movie and identify explicitly or implicitly a record field corresponding to a user's desires.

As to claims 11 and 33, Barts discloses the claimed limitation subject matter in claims 1, 23, except the claimed limitation "wherein the listing identification data is one of a book title and UPC code, the method including retrieving listing data in the form of details on the book. Ortega teaches allow a user to search item based on book titles and music titles (col. 3, lines 60-65).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Ortega's teaching of allow a user to search item based

on book titles and music titles to Barts's system in order to allow a user to search/retrieve a movie and identify explicitly or implicitly a record field corresponding to a user's desires.

As to claims 12 and 34, Barts discloses the claimed limitation subject matter in claims 1 and 23, except the claimed limitation "wherein the listing identification data is one of a music title and UPC code, the method including retrieving listing data in the form of details on the music". Ortega teaches allow a user to search item based on book titles and music titles (col. 3, lines 60-65).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Ortega's teaching of allow a user to search item based on book titles and music titles to Barts's system in order to allow a user to search/retrieve a movie and identify explicitly or implicitly a record field corresponding to a user's desires.

Conclusion


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
Mori et al (US 6044363).

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam Y T Truong whose telephone number is (571) 272-4042. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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Art Unit 2162
8/18/2005